

# SPEECH

OF

## RICHARD M. YOUNG OF ILLINOIS,

DELIVERED IN

THE SENATE OF THE UNITED STATES, MONDAY, FEB. 1, 1841,

ON THE

*Prospective Pre-emption Bill, and the proposition of Mr. Calhoun of South Carolina, to dispose of the public lands in the new States, on certain conditions.*

Mr. YOUNG addressed the Senate as follows:

I rise, Mr. President, for the purpose of proposing to amend the motion of the Senator from Kentucky, [Mr. CRITTENDEN,] to recommit the bill of the Senator from Missouri, [Mr. BENTON,] by striking out all after the word *report*, in the second line after the word *resolved*, and substituting the proposition of the Senator from South Carolina, [Mr. CALHOUN,] with two or three slight alterations, and an additional section, which were adopted with his concurrence, as a measure just and equitable to the *old* States, and by far more acceptable to the *new* than that of the Senator from Kentucky, and against which neither, in my judgment, can have any reasonable cause for complaint. I have waited, sir, in the hope that the Senator himself [Mr. CALHOUN] would, as on a former occasion, have brought it forward as the antagonist proposition to that of the Senator from Kentucky, [Mr. CRITTENDEN,] upon which the probability now is we shall soon be called to vote. I trust, however, that he will continue to regard himself as its legitimate author, and, in case of necessity, come forward to the rescue, and defend its principles, as he has heretofore done with such distinguished ability, against all assaults, from whatever quarter they may come.

I feel myself impelled, Mr. President, as matter of duty to the State which I in part represent, in consequence of resolutions of instruction adopted by the General Assembly on this subject some year or two ago, and which have not been repealed to my knowledge, to bring this measure forward as the one most desired by that State, and to urge its adoption in the best manner I can, in preference to any proposition whatever, which has for its object distribution simply, and which does not carry along with it a just regard for the future settlement, population, and advancing prosperity of the country embraced within the limits of the new States. Sir,

In many respects, which I will endeavor to point out before I sit down, I regard the consequences involved in the proposition of the Senator from Kentucky [Mr. CRITTENDEN,] as decidedly hostile to the best interests of Illinois, at least, and that her rateable proportion of the proceeds of the sales of the public lands would but poorly compensate for the injuries that would in the end be inflicted under the operation of such a system. But I will commence with the proposition of the Senator from South Carolina—and what, Mr. President, does it, when analyzed, propose?

1st. To dispose of the lands to the new States in which they are situated, reserving, in their future sales by these States, sixty-five per cent. of the gross proceeds to the United States, the States being thereafter chargeable with the expense of completing the surveys, extinguishing Indian titles, and for selling and otherwise managing the same.

2d. To secure to principle of graduation in the price, pre-emption to the settlers, and a final cession after a limited period, of the refuse or unsaleable lands to the States in which they are respectively situated.

3d. To provide for the transfer of the evidences of title from the seat of the Federal Government to the seats of government of the new States to which they properly belong.

4th. To provide for the settlement of the country without restriction, as well as the sale of the lands, as a source of revenue to the United States.

5th. To remove the prohibition which restricts the right of the purchaser to two quarter quarter sections, or forty acre tracts only, and to permit the entry of such tracts, in future, in like manner as other legal subdivisions of the public lands.

6th. To annul the restriction imposed upon the new States by compact, by which they are prohibited from taxing the public lands for five years.

after the date of the purchase from the United States.

7th. To cede to the State of Tennessee all the unappropriated lands belonging to the United States within the limits thereof, for the reason that they are unsaleable, and of little or no value to the community at large.

And 8th and lastly. To set apart the sixty-five per cent. secured to be paid to the United States, for the exclusive purpose of increasing the navy, and erecting fortifications for the common defence of the country.

These, Mr. President, are the leading features of the measure originated by the Senator from South Carolina several years ago, and again presented by him for our consideration at the present session. Is it one with which the *old* States ought to be satisfied as a financial measure?

The proposition comprehends within its entire scope, the disposition of 154,497,765 acres of the public domain. Of this quantity, 1,776,210 acres are situated in Ohio; 4,396,494 acres in Indiana; 19,059,797 acres in Illinois; 31,811,840 acres in Missouri; 19,910,140 acres in Alabama; 11,543,826 acres in Mississippi; 16,983,408 acres in Louisiana; 29,988,734 acres in Michigan; and 28,027,304 acres in Arkansas. In all, nine States; and a grand total of 154,497,765 acres, as before stated, up to January 1st, 1840. This, sir, is the quantity, no more nor less, according to the last report of the Commissioner of the General Land Office on that subject. The lands in the Territories, and those in the wide expanse of the West, extending from the western borders of Missouri and Arkansas, across the Rocky Mountains to the Pacific ocean, and to latitude 49 deg. north of the Territories of Iowa and Wisconsin, encircling within their range by far the greater part of the public domain; and by the estimate of which, the *billions* of acres mentioned by the Senator from Kentucky [Mr. CLAY] are produced; still left subject to the existing arrangement—to the old, well tried, and well approved system of operation which has afforded the occasion for so much eulogium here of late, and from a departure from which so much mischief seems to be apprehended. Of every hundred thousand dollars arising from these sales, within the limits of any one State, sixty-five thousand dollars, free from all charge, is to be paid into the public Treasury, and the remaining thirty-five thousand, after paying for the completing of surveys, extinguishing Indian titles, salaries of officers, land office charges, and incidental expenses, is to be paid into the State Treasury. What these expenses would amount to I have not the means of ascertaining; they would of course differ according to the different condition of things in the several States; but I presume that no Senator will undertake to say that the residue, whatever it might be, would be an unreasonable compensation to the State for the service proposed to be performed. But it has been urged as an objection, that the States might, and would, perhaps, refuse, upon settlement, to pay over to the United States this sixty-five per cent. of the proceeds of the sales, as provided for; and the deposite act of 1836, by which about \$28,000,000 was distributed among the

States, although in form a deposite, has been cited in illustration of the argument.

To obviate all difficulty arising out of such a supposition, whether ill or well founded, it is proposed, instead of an annual adjustment of the account, as was provided in the original bill of the Senator from South Carolina, [Mr. CALHOUN] to make monthly payments as the sales progress, at the most convenient points, where the moneys of the United States may be receivable. There is no occasion, nor is it intended, that the sixty-five per cent. shall go into the State Treasury at all. The payments will continue to be made in all respects as at present, by the receivers of the land offices, and there will be the end of it, without further difficulty or adjustment. For example, suppose there is a land office in Quincy, Illinois, the town of my residence, and a Sub-Treasury, or a branch of a United States Bank in St. Louis, Missouri. Now, sir, all the receiver at Quincy has to do, is to make his deposits monthly, at St. Louis; take receipts for the amount paid to the Sub-Treasurer or Cashier, and the whole matter as to the Government interest is in this simple but prompt manner accomplished, without the necessity of any settlement whatever; except that it may be proper for the register and receiver of the land office, in addition to the reports which may be required by the State, to forward duplicates of the same, to the Treasury Department of the United States, or in such other manner as may be stipulated as most convenient and proper, by the parties concerned. So much, sir, as to the matter of revenue, and so much as to the security for its payment.

Now, Mr. President, for the advantages which are supposed to result to the new States, from the adoption of this amendment, as contrasted with the amendment of the Senator from Kentucky [Mr. CRITTENDEN.] Besides the thirty-five per cent. on the gross amount of sales, the whole of the lands within the limits of the new States, would immediately become subject to their sole and exclusive jurisdiction, in regard to occupancy, settlement, and cultivation; the conflict of jurisdiction between the United States and the new States avoided; the principle of graduation in the price, and pre-emption to settlers secured; and a final cession of such lands as shall have been in the market, and remain unsold for thirty years to the States. It is true, sir, that the Senator's [Mr. CRITTENDEN'S] proposition embraces the principle of pre-emption, but with what limitation, and with what restrictions, we know not; except as inferences may be drawn from his own argument and the arguments of gentlemen who have followed his lead on this occasion. His honorable colleague [Mr. CLAY] said some days ago in reference to, and in opposition to pre-emptions; and attempted to prove by documentary testimony, that much had been lost to the Treasury in consequence of a departure from the old system of selling all the lands in the first place at public auction, and that he had been informed that many of the pre-emptioners had, by rushing out and seizing upon the best lands, been permitted to purchase lands worth ten, twenty, and thirty dollars per acre, at the minimum price of one dollar and twenty-five cents an acre. Well, suppose this statement to be true; and, if so, it must have been in a very

limited extent, in the original settlement of a new country, and what does it demonstrate? Nothing more than that the lands were, in a great degree, made thus valuable by the very settlement and cultivation of which the Senator [Mr. CLAY] complains. It is by the pre-emption policy that we secure these occupants, who have incorporated their labor with the soil, in their possessions, against the more wealthy who buy on speculation; and against whom they could not be expected successfully to compete, at public auction; and place the lands in the proper hands of those whose occupation is to cultivate them.

But the honorable Senator from Kentucky [Mr. CLAY] says, will you break up and destroy by such measures, this old, well tried, and well approved land system, hitherto unchanged; that the flourishing States of Ohio and Indiana have grown up under its benign influence; that Illinois has doubled her population in the last six years, and now has near half a million of inhabitants under its fostering care also; and concludes by asking emphatically, are you not satisfied with your prosperity? It is true, Mr. President, that these States have grown up, as well in population, as in agricultural improvement, and morals, with an unexampled degree of rapidity and prosperity. It was in consequence of this prosperity, Mr. President, that Illinois, with her free white population, and liberal principles towards foreigners, gave more votes at the late election for President than either Virginia or Kentucky; not that she had more population, as was erroneously stated in the sketch of the debates, published a few days ago. But, sir, her march is onward; and if her legislative guardians at home shall promptly discharge their duty in the preservation of her credit and her honor at home and abroad, who cannot foretell that her destiny is no less than that of an empire State.

But has the Senator [Mr. CLAY] forgotten that this system of pre-emptions for which we contend commenced as far back as 1813; and that it has been continued with but slight interruption ever since, until it has almost become a part of the system of which he speaks with so much commendation? and does he not know, that another important change was made in this old and well approved system, by the act of the 24th April, 1820, from a *credit* to a *cash* system; and by a reduction in the price of the land from two dollars to one dollar and twenty-five cents per acre? And is it not a fact, that this unexampled prosperity to which he alludes is in a great degree attributable to these very changes, the pre-emption feature of which he now, at this late day, so much deprecates? Sir, what said the honorable Senator from Massachusetts [Mr. WEBSTER] in reply to the Senator from Kentucky, [Mr. CLAY] in the debate of 1838 on this same subject of pre-emptions? Mr. WEBSTER said:

"The difference between the member from Kentucky [Mr. CLAY] and myself on this occasion is plain and distinct. It is precisely this;

"He is altogether against the pre-emptive right. He is for carrying into operation the law, as it stands, and for giving it effect over the lands on which these settlers live, in the same way as over other public lands. He is for putting all these lands up to open auction, and selling them to the highest bidder, letting the settler take the consequence. He says there should be an auction; and a free auction; and he argues, with that consisten-

cy and cohesion of ideas which belongs to him, that if there is to be a public auction, as he insists there ought to be, then there must be, and ought to be, a perfectly free competition. That it should be as open to one man to bid as another; that no man, or men, ought to be privileged or favored; that it is ridiculous to talk of an auction, at which one man may bid, and another may not; or an auction, at which some bidders are told that others must have preference. He, therefore, is for a free sale, open to every body, and to be conducted in that manner which shall ensure the receipt of the greatest sum of money into the Treasury. Now I say at once, plainly and distinctly, that this is not my object. I have other views. I wish, in the first place, to preserve the peace of the frontier; and I wish, also, to preserve and to protect the reasonable rights of the settlers; because I think they have rights which deserve to be protected. These are my objects. Sir, if we could order an auction here, in this city, or elsewhere, out of all possible control of the settlers, and far from all fear of any influence of theirs, and could there sell the lands they live on, and their improvements, for their utmost value, and put the proceeds of the whole into the Treasury, it would be the very last thing I should ever do. God forbid that I should make gain and profit out of the labors of these settlers, and carry that gain into the Treasury. I did not suppose any man would desire that. I did not suppose there was any one who would consent that the increased value of these lands, caused by the labor, the toil, and the sweat of the settlers, should be turned to the advantage of the National Treasury. Certainly, certainly, sir, I shall oppose all proceedings leading to such a result. Yet, the member from Kentucky has nothing to propose, but to sell the lands at auction for the most they will bring, at a sale which he says ought to be perfectly free and open to every body, and to carry the proceeds into the Treasury. Let the sales go on: that is his doctrine. Let the laws take their course, he says, since we live under a Government of laws. Have a sale, make it free and open, and make the most of it. Let the Government take care that every body, who wishes to bid, be as free to do so as any other; and that no combination, no privilege, no pre-emption, be suffered to exist.

"Now, sir, in my opinion, all this is what we cannot do, if we would; and what we ought not to do, if we could. I do not believe we can have an auction, under existing circumstances, such as the gentleman insists upon. The known condition of things renders it impossible. The honorable member thinks otherwise. He will not agree, he says, that the President, with the militia and the army, cannot protect the authorities in maintaining a fair and open sale. Sir, is it discreet, is it prudent, to refer to such a recourse as that? Is it not greatly wiser, and greatly better, to remove the occasion, which may be done without injury to the Government, and in perfect consistency with the rights of others, rather than to think of such measures as have been suggested? For one, I disclaim all such policy."

But the Senator from Kentucky [Mr. CRITTENDEN] proposes to grant pre-emptions exclusively to those worth less than \$1,000, for the sole purpose of accommodating the needy honest settlers and cultivators of the soil. Well, sir, what is to become of the poor and needy (to say nothing about honesty) speculator under this arrangement? Mr. President, if the Senator had known the situation of many of these poor, needy, and I may add, miserable speculators, I feel satisfied, from his goodness of feeling, that he could not have found it in his heart to have proposed their exclusion from the benefits of his system; of which charity would seem to have been the moving consideration. Why, sir, of all the unfortunate beings in the community, none commend themselves more to our sympathy and charity as a class, under existing circumstances, than these same proscribed speculators in the public lands. I believe, however, on reflection, that they will most likely find their relief under another proposition submitted by the Senator from Kentucky [Mr. CRITTENDEN] (the bankrupt bill) which is pressing hard upon the bill under consideration, rather than under any system of pre-emption which could be devised by the ingenuity of gentlemen, and especially if the *cash* principle should be retained, as I assure the Senator that most of them are very tender footed on this subject of cash payments just at the present time.

But, Mr. President, is there no reason to fear that the Senator, in the fulness of his sympathy for these poor needy tillers of the soil, will, if his proposition succeeds, do more mischief to that class of individuals, than to any other, by his thousand dollar restriction? Suppose, for instance, a man of fifty years, with a large family of children, and an unhealthy wife, should emigrate from Kentucky to Illinois, for the purpose of making some provision for his children, in a new country, which, from his scanty means, he could not do in Kentucky, and he should *unfortunately* happen to be worth \$1,050; would you exclude him from the benefits of your system? Yes, sir, he is worth fifty dollars too much; and if he desires to procure good land, must buy second hand, at five, ten, and fifteen dollars per acre, and yet there are among the emigrants to the West thousands of just such persons and families. I never will, Mr. President, give my consent to any such pre-emption law. I desire that all such laws may be free and equal; that the rich and the poor, and those of middle degree, may all fare alike, provided they will settle down upon the land, and cultivate it.

Sir, I have lived through a period, although not yet as gray as my old friend from Missouri [Mr. LINN] and in reference to whom I use the word *friend* as no common-place term, in which we have had many ups and downs, in the way of hard times and measures of relief; and my experience has been, with but few exceptions, that the "poor people," as they are called, and for whose benefit these measures of relief are ostensibly proposed to be enacted, are, for the most part, the very persons who suffer most by them, and have the least occasion for their enactment. And such is the case with your border people, who are represented here as being "poor squatters," or rather "poor intruders," upon the public lands. Sir, all they desire by your legislation here is, that you shall do equal justice to the rich and to the poor—by selling your land at one dollar and twenty-five cents per acre to all who are willing to go upon and cultivate them. At this price, the poor can compete with those who are really rich, when they could not at the sales by auction, and only desire that those who go first upon the land shall have the preference in the purchase of it. Mr. President, these squatters are the men who are *semper parati*, always ready, at the day, to pay their \$200 for their 160 acres of land; while the land dealer, or speculator, in most cases, can purchase, or not purchase, as the banks, for the time being, happen to extend their accommodations in that way or not. How is it with the bankrupt bill, which is pressing so closely upon our heels, as a great measure of relief? Is this intended for the unfortunate poor man, or is it for a more favored class of individuals? In this I believe, Mr. President, the thousand dollar principle works the other way.

But, Mr. President, if this scheme for distribution succeeds, are we not in danger in the new States, from the cupidity that may be excited in the old States, to make it exclusively a money measure, with an eye single to the *dividends*, of having the price raised upon us? But more than this: have we not just cause to fear that an attempt will be made to limit the settlements to such lands

only as shall be subject to private entry, and that our borderers are hereafter to be considered, watched, and dealt with, as a band of lawless depredators and trespassers? What, sir, said the Senator from North Carolina [Mr. MANGUM] on this subject but a few short days ago? He said, if I remember, "that he had been informed that great depredations had been committed upon the public lands in the West; that these trespasses were considered not only excusable, but honorable, by those who committed them, and concluded by warning the old States to watch this interest with increased vigilance, and to adopt measures to prevent such spoliation in future."

Thus, Mr. President, I suppose we are to have, under this new guardianship, a *cordon* of spies, or common informers, upon our frontier—perhaps one from each of the old States—the settlers are to be driven off, *nolens volens*, by a military force, if necessary—their cabins burnt down—their crops cut up and destroyed, and themselves subjected to fine and imprisonment, or other pains and penalties, if they should happen to cross over the border, and cut a few logs for a cabin, make a few rails to fence a truck patch, or even cut down a board or a bee tree, although it may be considered "honorable" among backwoodsmen, in accordance with the public sentiment generally, and in conformity with the immemorial usage of the country. Sir, let me tell that Senator that such a system of espionage upon the citizens of the new States, hitherto unprecedented, or any other system of that character, will never be submitted to.

Mr. President, as the honorable Senator from North Carolina [Mr. MANGUM] seems to think but little of the morals of our pioneer population, on account of their *honorable trespasses* upon the public lands, as he is pleased to term them, I beg leave to set him right, and to quiet his apprehensions on that subject, by referring to the honorable testimony of the Senator from Massachusetts, voluntarily accorded, in behalf of the settlers in the West, shortly after he had made a visit to that country, and when their character, on a like occasion to the present, had been called in question here. Mr. WEBSTER said:

"Much has been said of the general character of the settlers. I have no extensive information, sir, on that point, and had not intended to say any thing upon it. But it has so happened that I have recently been in the Northwest, and have met, for a short time, with many of these settlers; and, since they have been spoken of here with so much harshness, I feel bound to say that, so far as my knowledge of them goes, they do not deserve it. Undoubtedly, sir, they are trespassers in the contemplation of law. They know that very well. They are on the public lands without title; but then they say that the course of the Government heretofore has been such as to induce and encourage them to go where they are; and that they are ready and willing to do all that Government has required from others in similar circumstances; that is, to pay for the lands at the common price. They have the general character of frontiersmen: they are hardy, adventurous, and enterprising. They have come from far, to establish themselves and families in new abodes in the West. They appeared to me to be industrious and laborious; and I saw nothing in their character or conduct that should justly draw upon them expressions of contumely and reproach."

But, Mr. President, this plan of restricting the sales, and of consequence the settlements, to such lands only as shall, for the time being, be subject to private entry, is no new doctrine. As far back as December, 1829, now eleven years ago, Mr. Foot, of Connecticut, then a Senator on this floor, intro-

duced a resolution instructing the Committee on Public Lands to inquire into the expediency of limiting the sales of the public lands for a certain period to such only as had been before that time offered for sale, and subject to private entry at the minimum price; and also whether the office of Surveyor General might not be abolished without detriment to the public interest. This, sir, was a distinct proposition, coming from a distinguished Senator from an *old* State, not only to restrict the sales to the lands subject to private entry, but to stop the surveys, and even to abolish the office of Surveyor General, so that no more could be made in future. Here, then, we have an exemplification of the record of what we of the *new* States may expect, if the *old* should once fairly get their clutches upon these public lands. Yes, Mr. President, here was a proposition which, if it had been adopted, would have put an end to all the inducements to emigration. The operatives (as they are called) would have remained in the manufactories, or as tenants and dependants in some form to their more wealthy neighbors, in the old States, and all the facilities for the extension of our settlements and improvement of the country broken up and utterly destroyed. And not only so; for we shall soon have claims set up, under a variety of pretences, to certain rateable proportions of this great trust fund, (as it has been called,) in the way of back-rations, with a *just view, doubtless, of equalization*, in respect to the lands which have been granted to the *new* States for internal improvements and the purposes of education; and for this, also, we are not without precedent. As far back as January, 1821, Mr. Lloyd, of Massachusetts, then a member of this body, submitted for consideration a resolution instructing the Committee on Public Lands to inquire into the expediency of granting land for the purpose of education within the limits of the *old* States, corresponding with the appropriations which had been made for the same object within the limits of the *new* States. Had that Senator forgotten that these lands for school purposes were granted by virtue of compacts, and in consequence of a valuable consideration, on the part of the new States, and were not mere donations? And what was that consideration? Take the State of Illinois for example. Congress agrees, on the part of the United States, that section No. 16, in every township, shall be reserved for the use of schools; to grant to the State all salt springs, and the lands reserved for the use of the same; five per cent. of the nett proceeds of the sales of the public lands within the State; two-fifths to be disbursed by Congress in making roads to the State, and three-fifths by the State Legislature for the encouragement of learning; and an entire township of land for a university. For which favors, Illinois agrees, on her part, that she will exempt from taxation all lands sold after the 1st of January, 1819, for *five* years; all lands granted for military bounties for *three* years from the date of the patents; and that she would not tax the lands of non-residents higher than those of residents. This was the consideration, and what does it amount to? According to the report of the Commissioner of the General Land Office, the amount of money received on account of sales of the public lands, in that State, into the national

Treasury, is stated at \$14,207,046; the number of acres sold at \$1 25 per acre, would be 11,365,636.

These lands, if subject to taxation from the day of sale, at two cents per acre per annum, which corresponds with the rate of taxation in that State, including the road tax, would, in *five* years produce to the State the sum of \$1,136 560. The quantity of land appropriated for military bounties is stated at about 3,500,000 acres. This, at the same rate of taxation for *three* years, would amount to \$210,000; making together the sum of \$1,346,560; and this system of exemption from taxes is still going on *pari passu* with the sale of the lands, and is applicable to the *nineteen* millions of acres still unsold in that State. And what amount of lands has been granted to Illinois, for various purposes, internal improvement, education and all, in consideration of this exemption? Why, sir, according to the Commissioner's report, from which I have quoted, 1,537,317 acres up to January 1st, 1840; and I believe, if we may judge from the "signs of the times" here, that we have received but precious little since, with a very gloomy prospect for the hereafter. These facts, I trust, Mr. President, will put to rest this question of *equalization*, at least as it regards the State of Illinois, as I think that all unprejudiced men will agree, to use a Wall street expression, that we have granted a pretty broad margin to Uncle Sam for all the favors and privileges he has conferred; to say nothing of our refraining to tax *all* the lands for an indefinite period of time, during the continuance of their ownership by the United States.

The operation of the proposition of the Senator from South Carolina [Mr. CALHOUN] will be, to avoid all occasion for conflict of jurisdiction between the United States authorities and those of the new States. And this, Mr. President, is, in theory if not in practice, and a theory which may be practised upon, a most important consideration. The act of Congress of March 3d, 1807, authorizing the President to cause the settlers on the public lands to be removed, is still unrepealed. That act provides, "that the President of the United States may direct the marshal, and employ the military force to remove persons (squatters of course) unlawfully taking possession of the public lands until thereunto authorized by law," &c. And the Senator from Kentucky [Mr. CLAY] insists that it should be enforced at least as to the unsurveyed lands, if not as it regards all lands until they are first brought into market, and offered at public auction, in such manner as to secure a fair competition at the sales. And he predicts in such an event, that many of them, which are now sold to the squatters under our pre-emption laws, at \$1 25 per acre, would sell for 10, 20, and even as high as \$30 per acre. Now, Mr. President, there are in the State of Illinois 4 322,171 acres of land as yet unsurveyed—a very considerable amount of that which is surveyed has not as yet been brought into market. These lands are situated in the Northern part of the State—embracing much, if not the whole, of what is called the Rock river county—and most of them that are desirable are settled upon by these same "squatters." Well, sir, the State proceeds in virtue of her sovereignty, as she has done, to district the entire State into counties; to establish seats of

justice for these counties; directs courts of justice to be held in them; provides for the appointment of sheriffs and constables; and for the organization of the militia; and whatever else is necessary to put the machinery of the body politic in motion. Now, sir, take one of these counties in which the public lands are unsurveyed, or, if surveyed, have not been brought into market, but which, nevertheless, is settled and giving its thousand votes at our elections; and suppose that, under this law of 1807, to which I have alluded, or any other law that Congress, in its wisdom, may see fit to pass upon the subject of preventing trespasses, the President should direct the marshal of the State to remove these persons as trespassers, and to use a military force, if necessary, in their expulsion; and suppose still further, that the circuit court of the county should happen to be in session when the marshal, with his military posse, went to execute the mandate, and the marshal should, in obedience to his orders, say to the sheriff, or to the judge upon the bench, Gentlemen squatters, in the name of the United States, I arrest you as trespassers upon the public lands!! Sir, the thing is impracticable. You cannot, and you ought not to be permitted, if you had the power, to execute any such law. I know that I have put a strong case, but it is, nevertheless, one which might arise, if Congress should, at any time, attempt to enforce such laws within the jurisdictional limits of an organized sovereign State of this Union. The Senator from South Carolina [Mr. CALHOUN] proposes to avoid any such conflict of jurisdiction, by placing the lands at once under the superintendency of the States, to which they respectively appertain, where of right it should belong. With the right of pre-emption, the Senator from South Carolina proposes *graduation* and *reduction* in the price, and a final cession of the refuse lands to the States. His proposition is:

"That the minimum price, as now fixed by law, shall remain unchanged until the thirtieth day of June aforesaid; but, after that period, the price may be reduced by the States respectively, according to the following scale; all lands theretofore offered at public sale, and then remaining unsold ten years or upward, preceding the thirtieth day of June aforesaid, may be reduced by said States to a price not less than one dollar per acre; and all lands that may have been offered at public sale, and remaining unsold fifteen years or upward, preceding the said thirtieth day of June, eighteen hundred and forty-two, may thereafter be reduced by said States to a price not less than seventy-five cents per acre; and all lands that may have been offered at public sale, and remaining unsold twenty years or upward, preceding the said thirtieth day of June, eighteen hundred and forty-two, may then be reduced by said States to a price not less than fifty cents per acre; and all lands that may have been offered at public sale, and remaining unsold twenty five years or upward, preceding the said thirtieth day of June, eighteen hundred and forty-two, may thereafter be reduced by said States to a price not less than twenty-five cents per acre; and all lands that may have been offered at public sale, and remaining unsold thirty years or upward, preceding the said thirtieth day of June, eighteen hundred and forty-two, shall be ceded immediately to the States in which said lands are situate: *Provided*, That all lands which shall remain unsold after having been offered at public sale for ten years, and which do not come under the above provisions, shall be subject to the provisions of pre-emption, graduation, and disposition aforesaid, at the respective periods of ten, fifteen, twenty, twenty-five, and thirty years, after said sale, commencing from the expiration of ten years after the same had been offered at public sale."

In reference to this subject he [Mr. CALHOUN] says:

"That the occupants of the public lands partake of the feeling that the same price ought not to be exacted for the inferior as for the good lands. They are unwilling to give for the inferior lands, which for the most part they occupy, \$1.25, when a small part only of the best lands offered for sale would com-

mand that price; and feel that they have something like justice on their side in not giving so high a price for their possessions.

"This feeling must be met; and it is proposed to meet it by the provisions for graduation and pre-emption which I have just stated; a policy so liberal towards a large, though a poor class, not less honest and patriotic than the rest of the community, could not fail to have a happy effect, not only in reference to them, but in a more enlarged point of view. One of the most important would be the great increase of the number of small freeholders, which, in the hour of danger, would prove of vast importance, especially in the weaker portion of the Union—in the Southwestern States—where the provision would have the greatest effect. It would be the class that would furnish the hardiest and best soldiers, with the advantage of being inured to the climate. Combined and modified as they would be, they cannot but have a powerful weight in inducing the occupant to purchase. It will work a revolution in his character. He will regard himself, on his little domain, more a freeholder than a squatter, and as the price in the descending scale of graduation approaches the price that lands, such as he occupies would sell for, his industry and economy will be exerted to be prepared with the requisite means to make the purchase. The liberal character of the policy would impress him with deep feelings of respect for the justice and care of the Government; and the security it would afford would put an end to the *esprit de corps*, which otherwise would be so strong, and all, combined with the influence of the States on the side of the Government, would, I feel confident, guard effectually against the danger of losing the lands, as far as the occupants are concerned, in the only way that would be practicable."

I understand, Mr. President, that the lands in your State (Kentucky) belonging to the State, south of the Tennessee river, have been gradually reduced from fifty cents down to twelve and a half cents, or as they call it in that State, nine pence, to the acre. Now, will the Senator from Kentucky [Mr. CRITTENDEN] require more from us of the new States than is exacted from the people of his own State. And will not the same rule which will apply to the inferior lands in Kentucky, apply with equal force to lands of the same quality in Illinois, separated as they are by the Ohio river only, and inhabited by the same kind of people? Sir, it is a bad rule which will not work both ways.

It is also proper as a financial measure. The desirable lands, in the course of a few years, are sold at one dollar and twenty-five cents per acre—after which the sales become limited, and will not much more than pay expenses; the price is then reduced to one dollar per acre. This stimulates the settlers and others to make a further examination, and the next best portion is culled and purchased, and considerable addition is made to the revenue. The sales again relax, and a further reduction is made in the price with similar results; except, that less and less quantities are purchased at each subsequent reduction, until the sales of those which are left will not pay for selling. This period is limited, by the Senator from South Carolina, at thirty years; as the time when the quantity remaining unsold, after being culled and reculled, again and again, should be ceded as refuse lands to the States. Take the State of Ohio for example. According to the report of the Commissioner of the General Land Office, the sales in that State for the first three quarters of the past year (1840) amount to \$27,146 only, and the expenses of selling, &c. are stated at \$7,596—leaving a balance of \$19,550. Yes, sir, less than twenty thousand dollars. During the same period, the sales at the land office at Zanesville amounted to \$1,099, and the expense of selling \$811—leaving a balance from that land district of \$288. In the Cincinnati land district the sales are stated at \$803, and the expenses of selling at \$759—exhibiting a balance of \$44; in the Wooster district the sales amounted to only \$50,

there having been within all that time but a single forty acre tract sold, for \$50, while the expenses of selling it amounted within the same period to \$720; and in the Steubenville district there were no sales at all, where the amount of incidental expenses is stated at \$774. I will not refer to any of the other States, although I believe that the account from the State of my friend from Mississippi, [Mr. WALKER,] if looked into, would be found to be in a very lean condition. Now, sir, does not this statement of facts, about which there can be no dispute, demonstrate, beyond controversy, to all who are unprejudiced, that the time has arrived when these lands, no longer profitable as a source of revenue to the United States, should be ceded to Ohio? And for what, sir? That the State may apply such portions to the purpose of internal improvement and education as can be made available, and donate the residue in small quantities to the poor, who may not have the means of purchasing even at the most reduced prices. In the consummation of this plan, also, the entire country will become settled; the lands will all become taxable, and contribute their due proportion of revenue to the State, instead of being held up by the United States for an interminable period, tax free, and not subject to settlement and improvement. How long are these unsaleable refuse lands to be held up under the present system for a market? Connected with this subject, is the proposition to sell hereafter in quarter-quarter sections, or forty acre tracts, without restriction—the sales at present in forty acre tracts being limited to two entries only, to the same individual—for what reason I never knew, or could understand. This privilege is to be continued with the graduation of the price, so that the poorest man in the country may, if he chooses, become a freeholder, and possessed of a home which he can call his own. The lands belonging to the United States, in the State of Tennessee, having long since ceased to be regarded as a source of revenue, should, in like manner, as in the case of Ohio, but for still stronger reasons, be ceded to that State without further delay.

The Senator from South Carolina also proposes to provide for the transfer of the evidences of title from the seat of the Federal Government to the seats of Government of the new States, to which they properly appertain. This, sir, is also an important provision; for nothing can be more desirable than to have the titles to real estate—that property which, above all other, constitutes the permanent wealth of a State, from its immovable character and natural tendency to advance in value—within the reach of every man who may be interested in them, so that he can refer to them with convenience, and procure duplicates in case of loss or accident, at a comparatively small expense.

It is also proposed by the amendment which I have offered, to annul the restriction imposed upon the new States by compact, by which they are prohibited from taxing the lands for five years after the date of the purchase from the United States. I have shown, sir, in the progress of my remarks, that the State of Illinois has already lost, in the way of revenue upon the lands sold within her limits, \$1,136,560 by this restriction, and without

any advantage whatever to the United States, and what she will lose by its continuance, upon those that are unsold, which are stated at more than nineteen millions of acres.

Suffice it to say, Mr. President, that in our present indebted condition, a repeal of this restriction upon the taxing power of the States, is imperiously demanded, and ought not longer to be withheld. I believe, sir, that I have stated and gone through with the leading features of the proposition of the Senator from South Carolina, and have endeavored, in my plain way, to illustrate, by facts and argument, the advantages which will, in my judgment, result from its adoption to the community at large, the old States as well as the new.

But, sir, I have said that if the distribution scheme succeeds, are we not also in danger of having the price of the lands raised upon us? Was not such a proposition made by an honorable Senator here, [Mr. PRENTISS,] who never moves except upon due consideration, at the session of 1837 '38? And what said the honorable Senator from Massachusetts, [Mr. WEBSTER,] who stood nobly by us on that occasion, as he has done on many other occasions, when it was made? Mr. WEBSTER said:

"It has been proposed also so to amend the bill, (the pre-emption bill of 1838,) as to require that the settler, in addition to the dollar and a quarter per acre, should pay one-half of the actual value of the land above that sum; this value to be ascertained by appraisers, appointed by the register of the land office. I could not agree to this amendment; because, in the first place, we have never adopted the principle of selling lands on appraisement. But secondly, and mainly because if these settlers have had any ground or reason to expect a pre-emption right from Congress, (which is the substantial foundation of the bill,) they have had, and now have, reason to expect it, on the same terms on which it has been granted to others."

What more, sir, could have been said upon the subject, except to ask the Senator who moved the proposition, if they were more valuable than \$1 25 per acre, who made them so? I have introduced it to show that fears in this respect are not entirely without foundation.

But again, sir, if Congress should pass a law to distribute the proceeds of the sales of the lands among the States; is it not virtually the same thing as parcelling out the land itself among the States? It ceases to be regarded as a source of revenue, and the States alone are interested in making the most of it. Would not such an arrangement in fact, abrogate the compacts by which the new States have agreed not to tax the lands during their ownership by the United States, and for five years after they shall have been sold? Has it not been contended here, not by one, two, or three; but many Senators on the opposite side of the chamber, that the object for which these lands were originally granted by Virginia and other States, having been fulfilled, they revert to the grantors or to the States at large, and are now held by the United States in their aggregate capacity as a trust estate, and to be disposed of accordingly? Sir, the whole matter of ownership, according to their arguments, has become radically and entirely changed. The lands have become a trust estate, Congress the trustee, and the States, old and new inclusive, the *cestui que* trust. They are no longer the property of the United States. Now, sir, if this be the case, I contend, that from the moment such a bill passes,

these compacts will cease to operate, and that the new States will have the right to impose a tax upon all the lands within their respective limits. Suppose, Mr. President, instead of distributing the proceeds of the sales; the lands themselves, (which is the same thing in principle,) should be parcelled out among the States; and we should have a North Carolina reserve, a Connecticut reserve, a Vermont reserve, a Kentucky reserve; and since my friend from Pennsylvania, who sits near me on the right [Mr. STURGEON] has received his distribution instructions, which were introduced this morning, I suppose we must also have a Pennsylvania reserve; and so on with reserves for each of the twenty-six States composing the entire Union; what, sir, would be the effect of such a partition? Would not the whole of these lands become immediately subject to taxation by the new States respectively in which they are situated? And where is the difference in principle, whether you distribute the land or the money arising from the sale of the land? Is this semblance of ownership by the United States to be kept up as a pretext to avoid such taxation? And are the new States to be frightened by this shadow of ownership when the substance has departed? I hold, therefore, Mr. President, that if a distribution of the proceeds of the sales of the public lands should be made as proposed by the honorable Senator from Kentucky, [Mr. CRITTENDEN] that no arrangement will be just and equitable to the new States, which does not make a proper allowance for the amount of taxes which would accrue from time to time on all the lands thereafter sold within their limits, for the purpose of distribution; and which, independent of the restrictions I have mentioned, would be subject to taxation as other lands.

It is nevertheless true, sir, that the pre-emption principle is engrafted on the amendment of the Senator from Kentucky, [Mr. CRITTENDEN] and I have no doubt of his sincerity and willingness to grant pre-emptions in some form, provided they go hand in hand with distribution; but not otherwise, if we may judge from his former opinions as expressed upon that subject. Although there is a restriction imposed upon the right of the pre-emptioner, by limiting the privilege to a particular class, not worth exceeding a thousand dollars, and the quantity of land stated at three hundred and twenty acres; still it has not assumed the form and features of a bill, and may not be all it would seem to be, when it comes to be run out into the details. For instance, are aliens and foreigners, not naturalized, to be included within its scope or not? Will it be prospective in its operation, and will the settlers be permitted, as heretofore, to settle upon the unsurveyed lands, and such as have been surveyed and not brought into market, or not? And if so, will they thereby become entitled to the right of pre-emption or not? These, sir, and many other such considerations, ought not to be overlooked in a measure of such consequence to the people of the new States and the Territories who reside there, and to all such as desire to go there for the purpose of procuring homes for themselves and families. They have not been overlooked in the bill introduced by the Sena-

tor from Missouri, [Mr. BENTON,] which is fair in features and full in all its proportions. Will the Senator from Kentucky [Mr. CRITTENDEN] consent to such a pre-emption law as this?

But, Mr. President, I desire to say something on the subject of aliens—of such foreigners as have emigrated to and become inhabitants of the new States, and who are so unfortunate as not to be naturalized according to the laws of the United States. Are these aliens to be admitted or not to the benefits intended to be conferred by your [Mr. CRITTENDEN's] proposition? It would seem not, if the vote taken a few days ago on the amendment proposed by the Senator from North Carolina, [Mr. MANGUM,] is to be regarded as an indication of what may be expected from the advocates of distribution. Mr. MANGUM moved to amend the bill, [Mr. BENTON's,] by excepting aliens from its provisions, when the vote stood as follows:

YEAS—Messrs. Clay of Kentucky, Clayton, Crittenden, Dixon, Graham, Huntingdon, Knight, Mangum, Merrick, Prentiss, Preston; and Ruggles—12.

NAYS—Messrs. Allen, Anderson, Benton, Clay of Alabama, Fulton, Henderson, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Norvell, Pierce, Porter, Roane, Robinson, Sevier, Smith of Connecticut, Smith of Indiana, Sturgeon, Tallmadge, Tappan, Walker, Wall, Williams, Wright, and Young—30.

Sir, what did the honorable Senator from Massachusetts [Mr. WEBSTER] say on this subject, when a similar proposition was made to exclude foreigners, in 1838, by the honorable Senator from Maryland, [Mr. MERRICK] if my memory serves me. And here I beg leave again to read from the speech of the honorable Senator on that occasion. Mr. WEBSTER said:

"It has been proposed to amend this bill, [the pre-emption bill of 1838,] so as to limit its benefits to native or naturalized citizens of the United States. Although I have been heretofore disposed to favor such a proposition, yet, on the whole, I think it ought not to pass, because such a limitation has been altogether unknown in our general system of land sales; and to introduce it here, where we are acting on rights already acquired, would be both invidious and unjust."

And in reply to his honorable colleague, [Mr. DAVIS,] he further remarked:

"My colleague complains, also, that the bill holds out great inducements to foreigners to come among us and settle on the public lands. He says it is an invitation to the nations of Europe to open their work-houses, and send hither all their paupers. Now, sir, in all candor, is this the just character of the bill? Does it propose any change in our law in respect to foreigners? Certainly it does not. Always a foreigner could come here; always he could buy land at the minimum price; always he stood on an exact footing of equality, in this particular, with our own citizens. And would my worthy colleague now make a difference by this bill? If two settlers are found on the frontier, each on his own quarter section, each with a family, and each living under a roof erected by his own hands, and on the produce of fields tilled by his own labor, the one a citizen, and the other a foreigner not yet naturalized, would my colleague make a difference, and confirm the settlement of one, and break up that of the other? No, I am sure, sir, he would do no such thing. His sense of justice and his good feeling would revolt from such a course of action as quick as those of any living human being."

And what better reasons could be given than that it would be a limitation altogether unknown in our general system of land sales, and that such a distinction would be invidious and unjust—and especially in the State of Illinois, where they are expressly permitted by statute to purchase, hold, and transmit real estate in all respects as citizens.

But, Mr. President, my principal object in again introducing foreigners not naturalized, at this late period in the debate, is to reply more fully to the remarks of the Senator from Kentucky [Mr. CLAY] and the Senator from North Carolina [Mr. GRAHAM] in respect to the constitutional power of a State, and particularly of the State of Illinois, to prescribe the qualifications of such persons as shall be admitted to the right of suffrage in the election of members to the most numerous branch of the State Legislature, and consequently in the elections to be held for members of the House of Representatives in Congress; who, by the Constitution of the United States, (article 1, section 2,) are required to possess the same qualifications. I understood both Senators to say, that a State had no power to admit an alien to vote, unless he had been previously naturalized according to the Constitution and laws of the United States; and the Senator from Kentucky [Mr. CLAY] went farther, and said, that he had been informed that the foreign vote in Illinois, that is, of persons not naturalized, which he declared to be illegal, had given the preponderancy to Mr. Van Buren in the late election for President in that State. Now, sir, if the result of the election in Illinois is to be attributed to this foreign vote, all I have to say is, that the Senator's informant knows much more about the matter than I do. In the county in which I reside, there are many Germans, emigrants from foreign lands, who, I am informed, are not naturalized. Their vote was divided at the late election, but in what proportions I am unable to say. I also understood that there were many foreigners, not naturalized, among the Mormons, who voted, and who voted as they had a right to do, almost without exception, for General Harrison. A large majority of the foreigners on the line of the canal, I suppose, (but of this I am entirely uninformed,) voted the Democratic ticket. How they voted in other parts of the State, I know not. With such a state of things, where, from their nature, it must be exceedingly difficult, if not impracticable, for any one to know who was naturalized, and who not; what number voted, and what not; on what side the vote of this one and that one, individually, was cast, how can any one undertake to say, with any degree of certainty, that the result was produced by that or other causes? Sir, there are certain men in this world who always have a cause when defeat overtakes them, (as I will presently undertake to prove in regard to the defeat of Mr. Van Buren, and with him, the Democratic party.) who would assign very different reasons if the victory had declared in their own favor, and against the enemy.

But I come back to the question as to the right of a State to qualify aliens to vote, without previous naturalization according to the acts of Congress.

The Constitution of the United States, art. 1, sec. 2, provides "that the House of Representatives (in Congress) shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislatures."

That "no person shall be a representatives (in Congress, who shall not have attained to the age of twenty-one years, and been seven years a citizen

of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen."

It is provided by the same article, section 4: "That the times, places, and manner of holding elections for Senators and Representatives (to Congress) shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the place of choosing Senators."

In section 5, of the same article, it is further provided that "each House shall be the judge of elections, returns, and qualifications of its own members." And in section 8, of the same article, it is provided that "the Congress shall have power to establish a uniform rule of naturalization throughout the United States."

These, Mr. President, are all the provisions in that instrument which have any relation to this subject. Thus it will be seen that the qualification of persons who may be elected to the House of Representatives in Congress, is prescribed, fixed, and limited by the Constitution of the United States, while the power is reserved to the States to prescribe the qualifications of the electors, by whom they are to be chosen; under the 10th article of the amendments to the Constitution, if there be a doubt, which declares that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people." And this has been uniformly the practice since the commencement of the Government, under its present form of Administration.

Mr. President, I have, in reference to this question of State right, examined all the Constitutions of the States, Rhode Island excepted, which seems to be still working under the old charter granted by his Royal Majesty King Charles the Second, of England; and I find that, in every instance, the qualification of electors for members to the State Legislatures, has been prescribed exclusively by the States; and that many of them do not require citizenship as essential, or at all necessary in constituting the elective franchise. In fifteen of the States, to wit: Maine, New York, Pennsylvania, Delaware, Virginia, South Carolina, Georgia, Kentucky, Ohio, Indiana, Louisiana, Mississippi, Missouri, Alabama, and Arkansas, the word "citizen" is employed as a necessary qualification. In four of the States, to wit: Massachusetts, Vermont, Maryland, and North Carolina, the word "free-men" is used, and "citizen" omitted. In New Jersey, "all inhabitants" of full age, worth £50, *proclamation money*, with twelve months' residence, are entitled to vote—under which description of *all inhabitants*, I understand the ladies in that State formerly claimed and exercised the privilege of voting; and had great influence in controlling the result of the elections. In Connecticut, all "free-men," at the adoption of their Constitution, and such as become "citizens" afterwards. In Tennessee, every free white man, being a "citizen" of the United States, with six months' residence, with a proviso that no person shall be disqualified from voting on account of color, who is by the laws of the State a competent witness in a court of justice against a white man. Under this proviso, I un-

derstand that certain persons of color are permitted to vote in that State. The Senator from Tennessee [Mr. ANDERSON] says, that persons of color are excluded by the *new* Constitution of that State. They were permitted by the old, and it was to that I had reference, not having seen the new one. In New Hampshire, the expression male "inhabitants," excepting paupers, is employed.

In the State of Michigan it is provided that—

"In all elections every white male *citizen* above twenty-one years of age, having resided in the State six months next preceding any election, shall be entitled to vote at such election; and every white male *inhabitant* of the age aforesaid, who may be a resident of the State at the time of the signing of this Constitution, shall have the right of voting as aforesaid."

And in the State of Illinois, it is provided that—

"In all elections, all white male inhabitants above the age of twenty-one years, having resided in the State six months next preceding the election, shall enjoy the right of an elector; but no person shall be permitted to vote, except in the county or district in which he shall actually reside at the time of the election."

And in the schedule of the Constitution of that State, it is further provided that—

"All white male inhabitants above the age of twenty-one years, who shall be actual residents of this State at the signing of this Constitution, shall have a right to vote at the election to be held on the third Thursday, and the two following days of September next."

Which corresponds with a similar provision in the Constitution of the State of Michigan. Besides the State of Tennessee formerly; New York, Maine, and perhaps several other of the States, have, in like manner, conferred the right of suffrage on *persons of color*, with certain property qualifications; and I saw, in a recent publication by one of the Northern members of the other House, that he attributed his defeat in the last election to this same *colored* vote. The States also differ in many other respects; some requiring property qualification, some more or less time as to residence, and others that they should have paid taxes, etc. In regard to Michigan, it is evident beyond controversy, that the words "citizen" and "inhabitant," were intended to be used in a very different sense, and to apply to a very different description of persons. It is certain that the word "inhabitant" was intended to include all persons, natives, aliens, and all, whether naturalized, or not, who were residents of the State at the signing of the Constitution; while it is equally certain that a limitation was implied in the word citizen upon those to come afterwards. And this Constitution was ratified by Congress as being in conformity with the requirements of the Constitution of the United States. But I understood the Senator from North Carolina [Mr. GRAHAM] to say that there might be a sort of special naturalization in this constitutional way, while the general power was withheld from the States. Sir, the language of the Constitution of the United States is, that "Congress shall have the power to establish a uniform rule of naturalization" only; so that a special naturalization, as supposed, would be without authority. And I hold further, that if this power of prescribing qualifications of electors belongs not to the States, and that naturalization is a necessary prerequisite, that it can no more be conferred by the adoption of a State Constitution containing such an exception, from the uniform rule, than in any other way. It follows of course, from the practice of Congress, and universal usage in all the States, that the construction al-

ways has been that the power resided in the States. This, sir, has been the construction of the Constitution of Illinois; and foreigners, although not naturalized, but who have become inhabitants of the State for six months previous to an election, have always been allowed to vote. The question with us has been, not as to the right of the State to prescribe the qualifications of her electors, but whether, in the employment of the word "inhabitants," in our Constitution, it was intended that foreigners, not naturalized, should be entitled to vote. But, sir, we went farther than this, as I mentioned in the course of a few remarks I made on this subject some days ago. In respect to the qualification of Governor, it was provided in the body of the Constitution, that he should be at least thirty years of age, have been a citizen of the United States thirty years, and two years a resident in the State; and the Lieutenant Governor was required to possess the same qualifications. Now, sir, in order to qualify a particular individual for this second office, who stood prominent as a man of integrity and benevolence, but who was a native of Canada, (Col. Pierre Menard of Kaskaskia,) it was provided in the schedule of the Constitution, that any person of thirty years of age, who is a citizen of the United States, and has resided *two* years within the limits of the State next preceding the election, shall be eligible to the office of Lieutenant Governor, any thing in this Constitution contained notwithstanding. Well, sir, he was put upon the ticket with Col. Bond, who was nominated for Governor, although they were of opposite politics, and continued to be so, as long as Gov. Bond lived, and both were elected by the unanimous vote of the people, without opposition, and both made excellent officers. To give you an instance of his plain but honest bluntness, I will mention an occurrence which happened during a time when he was, by virtue of his office of Lieutenant Governor, presiding as Speaker of the Senate. In 1820, we made a State bank upon a capital of credit and confidence, (specie being rather a scarce article at the time,) as a measure of relief to the people, it being a time of great pecuniary embarrassment; and to make its issues the more acceptable as a circulating medium, a resolution was offered requesting the Secretary of the Treasury to make it land office money. Colonel Menard had been very much opposed to the creation of this bank without a specie capital. So, when the resolution came up for adoption in the Senate, he rose, evidently out of humor, and said, in his broken English—"Gentlemen, as it your wish, and it is my duty, I will put de question—but I bet any man fifty dollar he no made land office money." And the Colonel was right; it was not made land office money, and depreciated as low at one time as four for one.

But the Senator from North Carolina [Mr. GRAHAM] objects to the right of a State to permit aliens to vote, for the reason that it will give an undue proportion of representation in the general apportionment of political power among the States, and especially in the States where they are not admitted to the right of suffrage. This, sir, is an objection easily answered, by reference to article 1, section 2, of the Constitution of the United States,

which provides, that "representatives and direct taxes shall be apportioned among the several States which may be included in this Union according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons."

It is the number of persons of all descriptions, then, according to the enumeration which shall be made at stated periods, and not the number of voters, which is to regulate the relative distribution of power among the States.

Mr. President, this word "citizen" seems after all to have a very indefinite meaning. In its original acceptation, according to the French Dictionaries, it signified an "an inhabitant or freeman of a city." The natives of a city as contradistinguished from foreigners. According to Mr. Webster's large quarto, it means technically in the *United States*, "a person native or naturalized, who has the privilege of exercising the elective franchise;" or the qualifications which enable him to vote for rulers, and to purchase and hold real estate. To "citizenize," is to make a "citizen," to admit to the rights and privileges of a citizen, and he gives as an example, that "Talleyrand was citizenized in Pennsylvania, when there in the form of an emigrant."

So that it seems that the State of Pennsylvania, at least in this instance, if it be correct, undertook for herself, and did citizenize, but for what purpose is not stated, a foreign emigrant, without the concurrent authority of the United States.

From this circumstance, it appears, that there may be citizens of a State, who are not citizens of the United States.

I come now, Mr. President, to consider of the causes which, in my judgment, more than any other, led to the late defeat of Mr Van Buren, and with him the overthrow, for a time, of the Democratic party. Our troubles, sir, commenced with the celebrated year of 1836; a year long to be remembered by those who have been attentive to the political events of the times, as being fraught with more mischief, and bringing in its train more evils, moral and pecuniary, than any which had preceded it, and it is to be hoped, any which has, or may come after it. It was during this year more than any other, that States, corporations and individuals, alike heedless of the future, rushed headlong and madly into the broad vortex of speculation, and many have been swamped and left miring in the quicksands. Yes, sir, wide spread, desolating ruin has been the consequence. It was during this year, that the imports of merchandise from foreign countries ran up to the extraordinary sum of 189,980,035 dollars; 40 millions of dollars more than any preceding year, and nearly 28 millions of dollars more than any year succeeding. While the exports from the United States to foreign countries, for that year, were only 127,663,040 dollars—showing a balance of trade against us, for that year alone, of the enormous amount of 62,316,995 of dollars. The sales of the public lands, also, suddenly run up during that year to the sum of 25,167,833 dollars—being 9,168,029 dollars more than any year preceding, and 18,160,310 dollars more than the sales of any subsequent year.

The sales, Mr. President, for this memorable year of 1836, exceeded *four* millions of dollars in the State of Illinois alone. And so it was with every thing. The delusive phantom of speculation seemed to have taken complete possession of the human mind, and our extravagance and folly not only astonished and alarmed the sober minded and reflecting of our own country, but all Europe for a time stood still, and looked upon our rapid movements towards wealth and fortune with wonder and amazement. Why, sir, during this period, the speculators in the public lands, in many instances, in their haste to become rich, looked only to the maps in the land offices to see what was vacant, and swept it all, good, bad, and indifferent, (or I would be more correct if I should say, the bad, worse, and still more indifferent, as the good had, for the most part, been taken before) that was subject to private entry, far and wide; swamp, sand ridges and all, and where are they now? No wonder, then, that the Senator from Kentucky [Mr. CLAY] can show by figures and by facts, that many of the lands which were some years before that time reported by the land officers as being of little value, have since been sold at one dollar and twenty-five cents per acre. To give you an example of this system of speculation, and of its ruinous consequences, I need only to refer to the case of the New York and Boston Illinois Land Company. This, sir, is perhaps the most wealthy company of the kind in the United States. It is composed, for the most part, of gentlemen of fortune, who are still wealthy, notwithstanding their losses upon their investments in this stock. Their purchases, I believe, exceeded a million of acres, and their lands are of average good quality; many of them are considered as among the very best lands in the State; and what has been the result of their operations? Why, sir, with most of their lands on hand, still unsold, with a large amount of taxes annually to pay upon them, their stock is down to *thirty* cents in the dollar, notwithstanding it is backed by some of the most substantial wealth in the country. Such being the facts in regard to this wealthy land company, what must they be with that inferior class of individuals who speculated exclusively on money borrowed from the banks, and whose purchases were in the general limited to lands of inferior quality? Sir, comment is unnecessary.

And now, Mr. President, for the application. Universal pecuniary embarrassment had seized upon many parts of the country; broken speculators and debtors of every class and degree, and belonging to every party, had in many instances become desperate, and cried out for a change! Yes, sir, this magic word change! change!! was rung from the mountain tops, and echoed through the valleys, and this it was that, in my judgment, led to our defeat, and not the machinations of the bankers in Threadneedle or Lombard streets in London, or in Wall street, in New York. No, sir, many were in debt, and hopelessly in debt, without some great and extraordinary change, which could not be anticipated in ordinary good times, when men are expected not only to support their families, but also to pay their debts, by a prudent and economical arrangement of their business, and an in-

dustrious application to their occupation, whether it be that of merchant, lawyer, doctor, farmer, or mechanic. To all such—I speak in the general—this change became desirable, as a measure of relief, for the reason, as was stated, that they could not be worsted; and that peradventure something might, in the course of coming events, turn up for the better. Sir, I will give you an instance of this feeling in a case which, I am informed, occurred in my own county. An individual who, on many accounts, had been regarded as a prominent member of the Democratic party, and who still professed to belong to it, said to one of his neighbors that he had not voted for either of the candidates for the Presidency. Upon his neighbor expressing some astonishment, and asking the reason why he had not voted, he replied by way of excuse, “that in common with many of his neighbors, he had been imprudent and was in debt; and, although it was still in accordance with his principles that Mr. Van Buren should be elected, that he believed it would be to his interest that General Harrison should be elected; and that between *principle* and *interest* he had stood still, and had not voted.” And thus it was with thousands and tens of thousands, who not only “stood still,” but voted for the enemy. I use the word enemy with no invidious or reproachful meaning. Well, Mr. President, our opponents have succeeded in bringing this change about as a great relief measure, and by unprecedented majorities, as is generally the case with such measures; and let them take heed that it does not, like most other measures of relief, be found upon experiment not to answer the public expectation, and like them doomed, in case of disappointment, to very short duration. Who, Mr. President, of the West, has forgotten the history of my native State, of your own State, (Kentucky) and in your own times, in regard to these same measures of relief; and who does not recollect the rapidity with which they successively passed away. In 1816 or 1817, the Legislature of that State chartered the celebrated *litter* of banks, forty-two in number, as a measure of relief, and what became of them? Gone, sir, to the tomb of the Capulets. They exploded one by one; and in the space of a few short years, not one of all was left to tell the story of their misfortunes. And yet, sir, this measure was popular in its day. Then followed the *stay* and *replevy* laws; the *old* and *new* court questions; and the disasters which befel them, had, for a time, well nigh demolished the entire judiciary system of the State. How was it, sir, in Illinois, the State of my adoption? In 1820, our old State bank (long since exploded and now almost forgotten) was established as a measure of relief; it had no other capital than *credit* and *confidence*, for we had no money, and its notes were payable in ten years. It was, nevertheless, a measure called for by the popular voice. Mr. President, its story is soon told: its notes very soon depreciated as low as *four* for *one*—the Supreme Court of the State declared it unconstitutional, and the State lost one hundred thousand dollars by the experiment; and had, in the end, to borrow that amount to make good the deficit. In my judgment, Mr. President, all relief laws which interfere between debtor and creditor, in respect to their contracts, are

productive of mischief. They destroy punctuality in dealing, corrupt the morals, and make men seek for advantages which they would not think of, and of which they would be ashamed, under other circumstances, by affording this sort of legal encouragement, under the seductive form of measures of relief. Whether this change of rulers, and with it a change in the administration of the Government, as a great measure of relief to the country, will or will not prove to be an exception to the rule, remains yet to be tried. But I can tell the gentlemen who are opposed to us, in the language of the Senator from Arkansas, [Mr. SEVIER,] with whom I perfectly agree on this subject, that much will be expected; that money must be made so plentiful as scarcely to be worth the asking for it; that every man must have his pockets filled and to give away if he chooses; that the banks are to throw open their vaults, that each may borrow what he pleases, without having to work for it, and without being under any particular obligation to repay it. Let all these things, and many more in the way of relief, be not done, and who can tell what may come of disappointment?

But it has been said that Gen. Jackson was the author of much of this distress, by advising the banks, several years ago, to discount liberally. Sir, this is no excuse for the banks having extended their accommodations, if they did so, beyond the limits of reason and propriety. It was the duty of presidents and directors, in respect to the trust confided to them by the stockholders; it was their duty as officers and as men, whoever may have advised, not to have exceeded the bounds of prudence and the reasonable wants of the country. Sir, this almost universal disposition, when calamity overtakes us, to impute the cause to any thing rather than our own mismanagement, reminds me forcibly of the propriety of our attending more closely than we are in the habit of doing, to the moral of a text from which our worthy and talented chaplain [Mr. Cookman] preached sometime ago, which is as well applicable in politics as in matters of religion. The text was, “*Take heed unto thyself.*” Yes, sir, if any man will but take the trouble to examine himself in these matters of running in debt, of overtrading and overliving, and the consequent embarrassment and pecuniary distress, he will very seldom have to travel beyond his own door to ascertain the cause. Sir, I blame no man for any of my improvident acts. I act upon my own judgment, as all men who have arrived at years of maturity should do, and if I am deceived, I endeavor to repair the loss, and profit by the experience. But, Mr. President, this change of fortune in money matters, which has come upon us, did not come unexpected. The old farmers of the country frequently spoke of it, and said it was inevitable. They said that property was too high, that the people had become extravagant, and that the price of produce and of labor had run up to fictitious rates, which could not be sustained, and which were not, in fact, desirable for the general welfare of the country; that uniform reasonable prices would be much better. All predicted it; the prudent prepared for it, and those that were overtaken in their difficulties, excused themselves by saying that it had come sooner than they

expected, or, as was most frequently the case with the Whigs, put all the blame upon the Government.

I have now only a word to say, Mr. President, in reply to the Senator from New York, [Mr. WRIGHT,] on the subject of State stocks and State indebtedness, and will bring my remarks, already spun out much longer than I intended, to a close. I understood the Senator to say that the present indebtedness of the States, according to the information he had received, was about two hundred millions of dollars; and that about half that amount, or one hundred millions, in stocks, had been hypothecated upon an average of about fifty cents to the dollar; that the time had arrived for the payment of the advances; that these pledged stocks, in consequence of a failure by the States to comply with the terms upon which they were hypothecated, were in a condition to be forfeited, and might now be sold in the market at a sacrifice, for the benefit of the bankers with whom they had been pledged; and to argue from these premises, that any measure which might be adopted here, by which the value of these stocks would be enhanced in the hands of these bankers, would enure exclusively to their benefit, and not to the States by whom they had been pledged. Now, sir, I cannot say to what extent the Senator's [Mr. WRIGHT's] information may or may not be correct, but I know that in relation to the stocks of Illinois, the facts are far otherwise. When I was in London as an agent of that State something more than a year ago, I understood the practice to be with most of the States, when there was not an absolute sale, simply to establish an agency for the sale of their bonds upon such terms as might be agreed upon; say, for instance, at £91 to the £100, as in my own case, allowing to the banker the excess above that sum by way of commission for selling, &c. upon which contract he agrees to make certain advances to the State by instalments, to be reimbursed out of the first sales of bonds, but with the express provision in the agreement, that the bonds shall not at any time be sold for less than £91 in the £100. There is also, in the general, a provision that the dividends accruing upon the stock sold, shall be payable at the house where sold, for which it is usual to charge one per cent. commission. This, sir, is my limited experience on the subject. As long, therefore, Mr. President, as these stocks continue the property of the States, whether subject to forfeiture or not, any increase in the price would surely tend to their benefit, and not to the bankers by whom they are held—who can only rightfully claim to the extent of their advances with such additional interest as may have been agreed upon.

But, sir, I care not whether these bonds are in the hands of bankers or not; whether, if bankers, they reside in Threadneedle or Lombard streets, abroad, or in Wall or Chestnut streets, at home; or whether disposed of providently or improvidently, that it is our duty as States to pay them.

And here permit me to read an extract from the late message of my excellent friend, Governor Carlin, to the Legislature of Illinois, now in session, on this important subject:

"These embarrassments (says the Governor, alluding to the

debt of that State,) have grown out of our system of internal improvements, adopted by improvident legislation, at a time when the delusive phantom of speculation seemed to have taken possession of the human mind, and led the world into extravagance and error; and however deeply we may regret the evil which this system has entailed upon us, it would be unwise and unpatriotic to shrink from the responsibility of applying your best efforts to the pecuniary redemption of the State, and the preservation of her honor. The vast debt she has already incurred must be paid; and this can only be done by a strict and rigid maintenance of her credit abroad, and the wisdom with which her measures are directed at home."

These sentiments, Mr. President, do credit to the head and the heart of the man who uttered them; and I trust will meet with a response from every member of our Legislature, whatever may be his politics, as well as from every man in the State, who has the feelings of a patriot, and a proper respect for the credit and honor of the country which he has selected for the home of himself, and his children who are to succeed him. Sir, we have struggled thus far successfully. I hope that we shall continue to struggle as with the united efforts of one man, and that under the influence of a benign Providence, our efforts may, in the end, be crowned with complete success.

What! Illinois, the fairest portion of this Union, dishonored? No, sir, her patriotic yeomanry, I trust, will never submit to so humiliating a condition, as that their beautiful State shall become a bye-word of reproach for having been the first to violate her most solemn engagements.

At the conclusion of the debate, and just before the vote was taken on his proposition to dispose of the public lands to the new States in which they are situated, upon certain conditions, Mr. CALHOUN rose in his place, and read from Gales and Seaton's Register of Debates, in support of his position, the following extract from the speech of Mr. John Randolph of Virginia, in the Senate of the United States, in March, 1826, in reply to General Harrison, of Ohio; the subject of the Cumberland Road being under consideration:

"Mr. Randolph again rose, and said, the gentleman is mistaken if he supposes that I begrudge the people from Ohio the lands within the body of Ohio. I wish that every new State had all the lands within the State, that in the shape of receiverships and other ways, these States might not be brought under the influence of this ten miles square. In other words, I wish that all the patronage of the land office was in the hands of the individual States, and not in the hands of the General Government. I am the friend of State rights, and will cut down the patronage of this General Government, which has increased, is increasing, and must be diminished, or we the States shall be not only 'shorn of our beams,' sir, but 'abolished quite.'"

Mr. BENTON then rose, and read the following extract from a speech of Mr. Van Buren on the same subject, delivered in the Senate on the 18th of May, 1826.

Mr. Van Buren said:

"The subject of the public lands was becoming daily more and more interesting, and would occupy much time in legislation. It extended the patronage of the Government over these States to a great extent; it subjected the States in which those lands were situated, to an unwise and unprofitable dependence on the Federal Government. Mr. V. B. said he should vote for every call on that subject, to enable them at some future day to act understandingly on it. No man could render the country a greater service than he who should devise some plan by which the United States might be relieved from the ownership of this property, by some equitable mode. He would vote for a proposition to vest the lands in the States in which they stood, on some just and equitable terms, as related to the other States of the Confederacy. He hoped that, after having full information on the subject, they would be able to effect that great object. He believed that if those lands were disposed of at once to the several States, it would be satisfactory to all."

Mr. BENTON also read from the Senate journal of

May 20, 1826, the following motion, as having been submitted by Mr. TAZEWELL of Virginia, to the effect as stated:

"Mr. TAZEWELL submitted the following motion:

"Resolved, That it is expedient for the United States to cede and surrender to the several States, within whose limits the same may be situated, all the right, title, and interest of the United States, to any lands lying and being within the boundaries of such States, respectively, upon such terms and conditions as may be consistent with the due observance of the public faith, and with the general interest of the United States."

On the subject of graduating the price of the public lands, Mr. TAZEWELL said, in 1828, in his place in the Senate:

"That he was pleased with the plan of the gentleman from Missouri, [Mr. Benton,] but he thought it ought to extend farther. He would wish to have the arrangement something like this: while the lands are at the highest minimum, one dollar, allow the actual settlers to have the pre-emption right at seventy-five cents; when they are at seventy-five cents, allow actual settlers to enter them at fifty cents; and so on down to the lowest. This, he thought, would be productive of a good effect, as it would be a continued encouragement to actual settlers, and give them an advantage over other purchasers."

Mr. MACON of North Carolina said:

"That he wished to make a motion in relation to the bill. It was one of great importance. He was in favor of the first section, as he thought the graduation experiment ought to be tried and would, if it was in order, move to strike out all but that section."

After the reading of these extracts, the vote was taken on Mr. CALHOUN's proposition as submitted by Mr. YOUNG, and resulted as follows:

YEAS—Messrs. Allen and Tappan of Ohio, Anderson and Nicholson of Tennessee, Benton and Linn of Missouri, Calhoun of South Carolina, Clay and King of Alabama, Fulton and Sevier of Arkansas, Lumpkin of Georgia, Mouton and Nicholas of Louisiana, Norvell of Michigan, Pierce of New Hampshire, Roane of Virginia, Robinson and Young of Illinois, and Walker of Mississippi—20.

NAYS—Messrs. Bates and Webster of Massachusetts, Bayard and Clayton of Delaware, Buchanan and Sturgeon of Pennsylvania, Clay and Crittenden of Kentucky, Dixon and Knight of Rhode Island, Graham and Mangum of North Carolina, Henderson of Mississippi, Hubbard of New Hampshire, Huntington and Smith of Connecticut, Ker and Merrick of Maryland, Phelps and Prentiss of Vermont, Porter of Michigan, Preston of South Carolina, Rives of Virginia, Ruggles and Williams of Maine, Smith and White of Indiana, Southard and Wall of New Jersey, and Tallmadge and Wright of New York—31.

Of the 18 Senators from the nine new States, 14 voted for the amendment; and 4, Messrs. SMITH and WHITE of Indiana, Mr. HENDERSON of Mississippi, and Mr. PORTER of Michigan, voted against it.

#### IN SENATE OF THE UNITED STATES.

26th CONGRESS AND 2d SESSION, JANUARY 30, 1841.

Submitted by Mr. YOUNG, of Illinois, and ordered to be printed.

Mr. CALHOUN's Land Bill, to dispose of the public lands to the new States in which they are situated.

Proposed by Mr. YOUNG as an amendment submitted by Mr.

CRITTENDEN, to recommit, with certain instructions, the bill (S. 28) "to establish a permanent prospective pre-emption system in favor of settlers on the public lands who shall inhabit and cultivate the same, and raise a log cabin thereon," viz: Strike out all after the word "report," in the second line, and insert the following as an amendment to the original bill:

A provision to dispose of the public lands within the limits of the new States, to the following effect:

That all the public lands within the States of Alabama, Mississippi, Louisiana, Arkansas, Missouri, Illinois, Indiana, Ohio, and Michigan, with the exceptions of the sites of fortifications, navy and dock yards, arsenals, magazines, and all other public buildings, shall, after the thirtieth day of June, eighteen hundred and forty-two, be disposed of to the States within the limits of which they are respectively situated, they having previously complied with the following conditions:

First. That the said States shall severally pass acts, to be irrevocable, that they will monthly, as the sales of the said land shall progress, pay into the Treasury of the United States, at the most convenient places of deposit, and to such officer as may be appointed to receive the same, sixty-five per cent. on the gross amount of the sales of such lands, including, under sales, grants, and donations by the States, estimating the lands at the selling price at the time of the grant or donation, on or before the first day of February of each succeeding year.

Secondly. That the minimum price, as now fixed by law, shall remain unchanged until the thirtieth day of June aforesaid; but, after that period, the price may be reduced by the States respectively, according to the following scale: all lands theretofore offered at public sale, and then remaining unsold ten years or upward, preceding the thirtieth day of June aforesaid, may be reduced by said States to a price not less than one dollar per acre; and all lands that may have been offered at public sale, and remaining unsold fifteen years or upward, preceding the said thirtieth day of June, eighteen hundred and forty-two, may thereafter be reduced by said States to a price not less than seventy-five cents per acre; and all lands that may have been offered at public sale, and remaining unsold twenty years or upward, preceding the said thirtieth day of June, eighteen hundred and forty-two, may then be reduced by said States to a price not less than fifty cents per acre; and all lands that may have been offered at public sale, and remaining unsold twenty-five years or upward, preceding the said thirtieth day of June, eighteen hundred and forty-two, may thereafter be reduced by said States to a price not less than twenty-five cents per acre; and all lands that may have been offered at public sale, and remaining unsold thirty years or upward, preceding the said thirtieth day of June, eighteen hundred and forty-two, shall be ceded immediately to the States in which said lands are situated: *Provided*, That all lands which shall remain unsold after having been offered at public sale for ten years, and which do not come under the above provisions, shall be subject to the provisions of pre-emption, graduation, and disposition aforesaid, at the respective periods of ten, fifteen, twenty, twenty-five, and thirty years, after said sale, commencing from the expiration of ten years after the same had been offered at public sale.

Thirdly. That the lands shall be subject to the same legal subdivisions in the sale and survey as is now provided by law, reserving for each township and fractional township the sixteenth section, or the substitute, for the use of schools, as heretofore provided by law; and the land not yet offered for sale, shall be first offered by the State at public auction, except in cases of pre-emption, and be sold for cash only, in the manner now provided by law. And any land now or hereafter remaining unsold after the same shall have been offered at sale at public auction, shall be subject to entry for cash only, according to the graduation which may be fixed by the States respectively, under the provisions of this act; and that the acts of Congress which may be in force at the time of assenting to this act shall remain unchanged, except as modified by this act, unless with the assent of Congress: *Provided*, That any of said lands may, after they shall have become subject to private entry, be sold at the option of the purchaser, in quarter quarter sections, without any limitation whatever.

Fourth. This disposition of the public lands, together with the portion of the sales to be retained by the States respectively, under the provisions of this act, shall be in full of the five per cent. fund, or any part thereof, not already accrued to any State; and the said State shall be exclusively liable for all charges that may hereafter arise from the surveys, sales, and management of the public lands, and extinguishment of Indian title within the limits of said States, respectively.

Fifth. That, on a failure to comply with any of the above conditions, or a violation of the same, on the part of any of the said States, the cession herein made to the State failing to comply with or violating said conditions, shall be thereby rendered null and void; and all grants or titles thereafter made by said State, for any portion of the public lands within the limits of the same, ceded by this act, shall be, and are hereby declared to be, null and void, and of no effect whatever.

SEC. 2. And be it further enacted, That, upon every reduction in the prices of said lands, which shall take place by the graduating process of this bill, the Legislatures of the several States in which the lands are situated shall, at their discretion, have power to grant to the respective occupants or settlers up on any of said lands, rights of pre-emption at such graduated or reduced prices; which rights shall extend to a period of nine

days from and after the dates at which the respective graduations shall take place; and any lands not taken up by the respective occupants or settlers within that period, shall be liable to be entered or purchased by any other person, until the next graduation or reduction in price shall take place, when it shall, if not previously purchased, be again subject to the right of pre-emption for ninety days, as before; and so on, from time to time, as said reductions shall take place.

SEC. 3. *And be it further enacted*, That whenever the President of the United States shall be officially notified that any of the States aforesaid has passed an act in compliance with the above conditions, it shall be his duty, after the thirtieth day of June aforesaid, or forthwith after the passage of said act, if passed subsequent to that period, to adopt such measures as he shall think proper to close the land offices, including the surveying department, within the limits of said State; and that the commissions of all officers connected therewith shall expire on a day to be fixed by him, but which day shall not be beyond six months after the thirtieth day of June aforesaid, or, if subsequent thereto, from the day he received the official notification of the passage of said act.

SEC. 4. *And be it further enacted*, That on such notification being made, the said State shall be relieved from all compacts, acts, or ordinances, imposing restrictions on the right of said State to tax any lands by her authority subsequent to the sale thereof, ceded by this act; and all maps, titles, records, books, documents, and papers, in the General Land Office at Washington, relative to said lands, or duplicates thereof, where the originals cannot properly be transferred, shall be subject to the order and disposition of the Executive of said State, in such manner as the Legislature of said States may respectively appoint.

SEC. 5. *And be it further enacted*, That all lands of the United States within the limits of the State of Tennessee, with the exceptions enumerated in the first section of this act, shall be, and the same are hereby, ceded to said State.

SEC. 6. *And be it further enacted*, That the sixty-five per cent. of the proceeds of the sales, hereby secured to be paid to the United States, shall be set apart and exclusively applied to the gradual increase of the navy, and the erection of such fortifications for the general defence of the country, as Congress may by law hereafter order and direct.

